HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 19572 OF 1995

Dated 8th August, 2006

Between:
M.A.Rahiman

…Petitioner

And

Municipal Corporation of Guntur,
represented by its Commissioner
and others.

… Respondents.

ORAL ORDER:

The petitioner herein, precisely, is seeking relief only against 4th respondent, a private authority.

It is the case of the petitioner that he is the owner of the residential house bearing municipal No. 4-19-105 situated in 6th lane of Vikas Nagar, Guntur. He alleges that 4th respondent has constructed multi-storied residential complexes in 7th, 8th and 9th lanes of Vikas Nagar and is using them for commercial purposes and discharging domestic effluents through the 6th lane. It is also stated that in spite of making applications to respondents 1, 2 and 3, no action has been taken.

Counter affidavit is filed by the respondents, wherein, it is stated that, initially, the house belonging to the petitioner was leased out to 4th respondent up to May, 1995, and, when 4th respondent rejected the request of the petitioner to continue in the same premises as lessee, the petitioner had abruptly closed the drainage line passing through 6th lane and filed this writ petition with false allegations.

No reply affidavit is filed disputing the averments stated in the counter affidavit filed by the respondents. In any event, the grievance of the petitioner is only against 4th respondent and in view of the factual disputes as stated in the counter-affidavit, no relief can be granted to the petitioner in this writ petition filed under Article 226 of the Constitution of India. However, it is left open to the petitioner to avail appropriate remedy by invoking the jurisdiction of

competent civil court.

Subject to the above observation, the writ petition is dismissed. No order as to costs.

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8.8.2006 **(R.SUBHASH REDDY, J.)**

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